

DECLARATION FOR PATENT APPLICATION

Attorney Docket No.

F97.6

As a below named inventor(s), we hereby declare that:
Our residence, post office address and citizenship are as stated below next to our names.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "Pet Toy Product With Integral Treats Receiving Receptacles", the specification of which is attached hereto unless the following box is checked:

☐ was filed on _____ as United States Application Number or PCT International Application Number _____ as was amended on _____ (if applicable).

I hereby stated that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or Inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or Inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

☐

☐

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. § 119(e) of the United States provisional application(s) listed below.

_____ (Application Number)	_____ (Filing Date)
_____ (Application Number)	_____ (Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

08/663,447 (Application Number)	June 13, 1996 (Filing Date)	Pending (Status- patented, pending, abandoned)
29/044,631 (Application Number)	September 27, 1995 (Filing Date)	Patented (Status- patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Gary D. Fields, Registration No. 19,604 and Brent P. Johnson, Registration No. 38,031 of Fields & Johnson, P.C.
Address all telephone calls to: Brent P. Johnson at telephone number (303) 861-9100
Address all correspondence to: Fields & Johnson, P.C.
1700 Lincoln Street, Suite 3030, Denver, CO 80203

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) Joseph P. Markham
Inventor's signature [Signature] Date 11/17/97
Residence 12094 West 75th Place, Arvada, Colorado 80005 Citizenship U.S.A.
Post Office Address 12094 West 75th Place
Arvada, Colorado 80005

Full name of second joint inventor, if any (given name, family name) Brent P. Johnson
Second Inventor's signature [Signature] Date 11/17/97
Residence 6081 South Forest Court, Littleton, Colorado 80121 Citizenship U.S.A.
Post Office Address 6081 South Forest Court
Littleton, Colorado 80121

☒ Additional inventors are being named on separately numbered sheets attached hereto.

DECLARATION FOR PATENT APPLICATION
Additional Inventors Being Named for the Invention Entitled

Page 2

Full name of third joint inventor (given name, family name) Gary D. Fields Date 11-17-97
Inventor's signature Gary D. Fields Citizenship U.S.A.
Residence 12740 North Spring Creek Road, Parker, Colorado 80138
Post Office Address 12740 North Spring Creek Road
Parker, Colorado 80138

Full name of fourth joint inventor (given name, family name) _____ Date _____
Inventor's signature _____ Citizenship _____
Residence _____
Post Office Address _____

Full name of fifth joint inventor (given name, family name) _____ Date _____
Inventor's signature _____ Citizenship _____
Residence _____
Post Office Address _____

Full name of sixth joint inventor (given name, family name) _____ Date _____
Inventor's signature _____ Citizenship _____
Residence _____
Post Office Address _____

Full name of seventh joint inventor (given name, family name) _____ Date _____
Inventor's signature _____ Citizenship _____
Residence _____
Post Office Address _____

Full name of eighth joint inventor (given name, family name) _____ Date _____
Inventor's signature _____ Citizenship _____
Residence _____
Post Office Address _____

Full name of ninth joint inventor (given name, family name) _____ Date _____
Inventor's signature _____ Citizenship _____
Residence _____
Post Office Address _____

Full name of tenth joint inventor (given name, family name) _____ Date _____
Inventor's signature _____ Citizenship _____
Residence _____
Post Office Address _____

Applicant or Patentee: Joseph P. Markham Attorney's
Serial No. or Patent No.: _____ Docket No.: F96.6CIP
Filed or Issued: _____
For: "Pet Toy Product With Integral Treats Receiving Receptacles"

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Bounce, Inc. d/b/a The Kong Company
ADDRESS OF CONCERN 16191-D Table Mountain Parkway
Golden, CO 80403-1641

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when, either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled Pet Toy Product With Integral Treats Receiving Receptacles by inventor(s) Joseph P. Markham described in:

☒ the specification filed herewith.

☐ application serial no. _____, filed _____
☐ patent no. _____, issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Joseph P. Markham
TITLE OF PERSON OTHER THAN OWNER President
ADDRESS OF PERSON SIGNING 16191-D Table Mountain Parkway
Golden, CO 80403-1641

SIGNATURE _____

DATE 11/17/97

RECORDATION FORM COVER SHEET
PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy the documents.

1. Name of conveying party(ies):

Joseph P. Markham,
Brent P. Johnson and
Gary D. FieldsAdditional name(s) of conveying party(ies) attached? ☐ Yes ☐ No

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ OtherExecution Date: November 17, 1997

2. Name and address of receiving party(ies):

Name: Bounce, Inc. d/b/a The Kong CompanyInternal Address: 16191-D Table Mountain ParkwayGolden, CO 80403-1641Street Address: 16191-D Table Mountain ParkwayCity: Golden State: CO Zip: 80403-1641Additional name(s) & address(es) attached: ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: November 17, 1997

A. Patent Application Nos.(s):

B. Patent No.(s):

Additional number(s) attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Fields & Johnson, P.C.Internal Address: 1700 Lincoln St., #3030
Denver, CO 80203Street Address: 1700 Lincoln St., #3030City: Denver State: CO Zip: 802036. Total number of apps. and pats. involved: 17. Total fee (37 CFR 3.41).....\$ 40.00☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit account number:

(Attached duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Brent P. Johnson

Name of Person Signing

Signature

11/18/97

Date

Total number of pages including cover sheet, attachments and document: 4

ASSIGNMENT

WHEREAS, We, Joseph P. Markham of 12094 West 75th Place, Arvada, Colorado 80005; Brent P. Johnson of 6081 South Forest Court, Littleton, Colorado 80121 and Gary D. Fields of 12740 North Spring Creek Road, Parker, Colorado 80138, have invented a certain new and useful invention in a "Pet Toy Product With Integral Treats Receiving Receptacles" for which we are about to make application for Letters Patent of the United States, and said application being a continuation-in-part of U.S. Serial No. 08/663,447, filed June 13, 1996 and entitled "Pet Toy Product With Integral Treats Receiving Receptacles," which is a continuation-in-part of U.S. Serial No. 29/044,631, filed September 27, 1995, which is now U.S. Patent No. Des.373,859, issued September 17, 1996 and entitled "Cat Toy," identified as Docket No. F96.6CIP and executed concurrently herewith; and

WHEREAS, we now own the entire right, title and interest therein; and

WHEREAS, Bounce, Inc. d/b/a The Kong Company, whose address is 16191-D Table Mountain Parkway, Golden, Colorado 80403-1641, a fully organized corporation of the State of Colorado, is desirous of acquiring the entire right, title and interest therein and thereto;

NOW, THEREFORE, be it known that for and in the consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to us in hand paid, the receipt of which is hereby acknowledged, we, the said Joseph P. Markham, Brent P. Johnson and Gary D. Fields, do sell, assign and transfer unto the said Bounce, Inc. d/b/a The Kong Company, its successors, legal representatives and assigns, the entire right, title and interest in and to the said invention, the aforesaid application for the territory of the United States of America, patent applications in all foreign countries, and to all Letters Patent, continuations, reissues and extensions to be obtained therefore; and we further agree to cooperate with the assignee hereunder in the obtaining and sustaining of any and all such Letters Patent, but at the expense of said assignee.

The Commissioner of Patents is hereby authorized and requested to issue the Letters Patent solely in accordance with the terms of this Assignment to Bounce, Inc. d/b/a The Kong Company, its successors, legal representatives and assigns, as the assignee of the entire right, title and interest therein.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment as of the date indicated hereinafter.

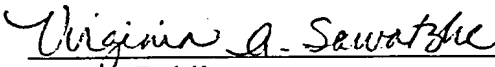
Date: 11/17/97


Joseph P. Markham

State of Colorado)
) ss.
County of Jefferson)

Before me, a Notary Public in and for said County and State, personally appeared Joseph P. Markham, whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 17th day of November, 1997.


Notary Public

My Commission Expires: 9/24/01

Date: 11/17/97


Brent P. Johnson

State of Colorado)
) ss.
County of Denver)

Before me, a Notary Public in and for said County and State, personally appeared Brent P. Johnson, whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 17th day
of November, 1997.

Virginia A. Sawatzke
Notary Public

My Commission Expires: 9/24/01

Date: 17 November 1997 Gary D. Fields
Gary D. Fields

State of Colorado)
) ss.
County of Denver)

Before me, a Notary Public in and for said County and State,
personally appeared Gary D. Fields whose name is subscribed to the
foregoing instrument, and acknowledged to me that he executed the same
for the purposes and considerations therein expressed.

Given under my hand and seal of office this 17th day
of November, 1997.

Virginia A. Sawatzke
Notary Public

My Commission Expires: 9/24/01